

CITY OF JOHNS CREEK
COUNCIL MEETING
March 14, 2011 @ 7:00pm

The City of Johns Creek Mayor and Council held a monthly meeting on Monday, March 14, 2011. The meeting was held at 7:00pm in the City Hall Council Chambers located at 12000 Findley Road, Suite 300 in Johns Creek, Georgia.

COUNCIL PRESENT: Post 1-Randall Johnson
Post 2-Dan McCabe-**Absent**
Post 3-Karen Richardson
Post 4-Ivan Figueroa
Post 5 Kelly Stewart
Post 6-Bev Miller
Mayor Mike Bodker

STAFF PRESENT: City Clerk Joan Jones
City Manager, John Kachmar
City Attorney Bill Riley

PLEDGE OF ALLEGIANCE: Led by City Manager Kachmar.

OPENING REMARKS: Mayor Bodker welcomed everyone to the meeting and mentioned the Police Department is looking for sponsors for their third annual Special Olympics Golf Tournament, to be held at the Standard Club on April 11th and will also hold a fundraiser on March 28th at St. Ives Country Club to benefit the family of recently deceased Police Officer Greg Whitaker. The Mayor invited citizens to sign-up to participate in the Newtown Community Garden and issued a reminder to register for their homestead exemptions before the April 1st deadline; he added this information and other city news and events are available on the city's website. Mayor Bodker mentioned he and other members of the council, visited several local schools recently, reading to students at four schools for "Read-Across America Day", and addressing 8th graders at Taylor Road Middle School about local government. He remarked he was honored to throw out the first pitch at the Johns Creek High School vs. Chattahoochee High School Varsity baseball teams. In closing, the Mayor congratulated Country Club of the South on the recent renovations to their golf course and all the work they do to improve the City.

MINUTES: Council Member Miller motioned to approve the February 28, 2011 Work Session Summary as presented and the Council Meeting Minutes as amended to have item #4 of Ordinance 2011-01-01 to read as follows: *"A 25 foot buffer adjacent to the east and west property lines, a 50 foot buffer along the rear property line. The 10 foot improvement setback may be eliminated."* Ms. Miller noted this is just for better clarification purposes. Council Member Richardson seconded this motion and confirmed this was the intent. There being no discussion, the motion passed unanimously.

MEETING AGENDA APPROVED: Council Member Johnson motioned, seconded by Council Member Figueroa to approve the meeting agenda as presented. There being no discussion, the motion passed unanimously.

PUBLIC COMMENT: No public comment

CONSENT AGENDA: No Consent Agenda

ANNOUNCEMENTS: City Clerk Jones announced the following meetings:

- *Tuesday, 3/15/11 @7:00pm-BZA Meeting*
- *Thursday, 3/17/11 @9:00am-Special Called CVB Meeting*
- *Friday, 3/25-26/11 @ Council Strategic Planning Session*
- *Monday, 3/28/11 @5:00pm-Work Session, followed by 7:00pm-City Council Meeting*

REPORTS & PRESENTATIONS: None

OLD BUSINESS: No Old Business.

NEW BUSINESS:

ASSIGNMENT OF HTE CONTRACT: Council Member Figueroa recused himself prior to the HTE discussion, as his wife works for a division of the company. As this item was discussed at the previous Work Session, Council had no additional questions for staff. Council Member Johnson motioned, seconded by Council Member Miller to approve the Action Item Approving the Assignment of the HTE Contract to the City of Johns Creek. There being no discussion, the motion passed unanimously. (***ACTION ITEM***). Council Member Figueroa returned to the dais.

RZ 11-001 3303 JAMONT BLVD/9600 BLOCK OF BRUMBELOW RD: A Public Hearing on Ordinance 2011-03-05 to amend the Zoning Map for Zoning Case RZ-11-001 – John Jamont - 3303 Jamont Blvd, 9600 Block of Brumbelow Road - CUP Conditional to CUP Conditional - Change in conditions to reduce the lot size adjacent to Brumbelow Road from 18,000 square feet to 14,000 square feet was held.

Planning and Zoning Administrator Justin Kirouac reviewed the rezoning case informing Council this property is located in the Estates at Deer Chase in Newtown, Character Area 6, and was re-zoned in 1996 with the restricted lot size. The applicant is asking for the reduction in order to allow for a larger and more symmetrical adjacent lot. Mr. Kirouac said although the proposed residential use is consistent with the use for this area, all the properties approved fronting Brumbelow Road have this lot size restriction. Therefore staff recommends, as well as the Planning Commission recommends denial of this request.

City Clerk Jones read the zoning public hearing procedures into the record.

Mayor Bodker opened the public hearing for Ordinance 2011-03-05 to amend the Zoning Map for Zoning Case RZ-11-001 – John Jamont - 3303 Jamont Blvd, 9600 Block of Brumbelow Road - CUP Conditional to CUP Conditional - Change in conditions to reduce the lot size adjacent to Brumbelow Road from 18,000 square feet to 14,000 square feet and called for those wishing to speak in support of the application.

The applicant, Mr. John Jamont addressed Council and stated the lot reduction from 18,000 to 14,000 is needed to balance the size of an adjacent 9000 sq. ft., odd-shaped lot, saying the size and shape of the smaller lot was due to the road widening which occurred after the development had begun.

Mr. Nasser Golshani a resident of Country Club of the South spoke in support of the applicant saying he has building experience and agrees it will be difficult to build on the smaller lot because of the odd shape. Mr. Shahab Khatami, a structural engineer spoke, in support of the

application saying he has known Mr. Jamont for 20 years and Mr. Jamont builds quality products and agrees it would be difficult to build on the smaller lot. He said allowing the lot reduction will allow the squaring up of the second lot and pointed out the house is already built and complies with the setback requirements.

During discussion, Council inquired on the number of homes currently constructed and the minimum size of the homes. Mr. Jamont responded there are currently about two completed and three homes in the process, with proposal for a minimum size home of 3,200 sq. ft. There was also discussion about staff's position in opposing, with Mr. Kirouac informing Council it is a policy decision to deviate from consistency, which he leaves to Council, and approval may set a precedent. There was further discussion that although there are similarly sized lots in the subdivision, because of the shape of this lot and location, the size becomes restrictive in developing.

Council Member Richardson motioned, seconded by Council Member Figueroa to approve Ordinance 2011-03-05 subject to the following conditions as amended.

1. The property shall be limited to a maximum of 30 (overall development) single family detached dwellings and accessory uses and structures.
2. The minimum heated floor area shall be **3,000** square feet for Lot 2.
3. The minimum lot size shall be 12,000 square feet along the south property line adjacent to the Queensbury East Subdivision. The minimum lot size shall be **14,000** square feet along Brumbelow Road. The minimum lot size for all remaining lots shall be 9,000 square feet.
4. The site shall be developed in general accordance with the site plan submitted October 12, 2010.
5. Lots shall have the following development standards:
 - Height: 40 feet
 - Minimum Perimeter Setback: 20 feet along Brumbelow Road; 30 feet along remaining property lines
 - Minimum front yard: 10 feet
 - Minimum side yard: 5 feet
 - Minimum rear yard: 30 feet
6. Direct lot access to Brumbelow Road shall be prohibited.
7. Owner/developer shall provide no more than one (1) exit/entrance on Brumbelow Road.

During discussion, Council Member Richardson commented the lot change would benefit the look and feel of this community; Council Member Miller and Council Member Johnson, indicated they were inclined to support the recommendations of staff and the planning commission; Mayor Bodker raised the issue that a home is already built on the lot, the setback requirements have been met and changing the lot size and imposing the conditions as amended would allow continuity in the quality of homes being proposed for this subdivision. There being no further discussion, Mayor Bodker called the question and the motion passed 4 to 2, with Council Members Richardson, Figueroa, Stewart and Mayor Bodker voting in favor and Council Members Miller and Johnson opposing the motion. (***ORDINANCE 2011-03-05***)

OTHER BUSINESS: None

PUBLIC COMMENT: No public comment.

MAYOR'S COMMENT: The Mayor thanked everyone for attending the meeting and wished them a good evening.

EXECUTIVE SESSION: No Executive Session.

There being no further business, Council Member Richardson made a motion to adjourn the meeting, Council Member Miller seconded this motion. The motion carried unanimously and the meeting was adjourned.

Approved:

Attest:

Michael E. Bodker, Mayor

Joan C. Jones, City Clerk